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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 JOSE ANTHONY OROZCO,

11 Petitioner,

12 v.

13 MICHAEL STAINER, Warden,

14 Respondent.
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) Case No. CV 10-0199 ODW (JCG)

) **ORDER ADOPTING REPORT AND**
) **RECOMMENDATION OF UNITED**
) **STATES MAGISTRATE JUDGE AND**
) **DENYING CERTIFICATE OF**
) **APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
18 Magistrate Judge's Report and Recommendation, Petitioner's Objections to the
19 Report and Recommendation, Petitioner's Request for Certificate of Appealability,
20 and the remaining record, and has made a *de novo* determination.

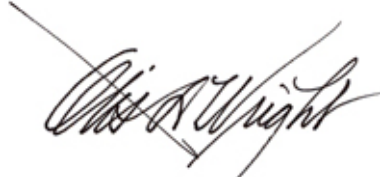
21 Petitioner's Objections parrot and rehash the arguments made in the Petition
22 and Reply, and lack merit for the reasons set forth in the Report and
23 Recommendation.

24 Accordingly, IT IS ORDERED THAT: (1) the Report and
25 Recommendation is approved and adopted; (2) Judgment be entered denying the
26 Petition and dismissing this action with prejudice; and (3) the Clerk serve copies of
27 this Order and the Judgment on the parties.

28 Additionally, for the reasons stated in the Report and Recommendation, the

1 Court finds that Petitioner has not made a substantial showing of the denial of a
2 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
3 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court denies Petitioner's Request
4 for Certificate of Appealability.

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6 DATED: May 17, 2011
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A handwritten signature in black ink, appearing to read "Otis D. Wright, II", is written over a horizontal line.

HON. OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE